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REASONS
FOR THE
TRIAL
OF THE
Earl of Torrington

BY
IMPEACHMENT
BY THE
Commons in Parliament,

Rather than any other Way.

That the Nation is Obliged in Honour, Justice, and Prudence, to have the Miscarriage of two Fleet in the late Affair at Sea, severely examined, and duly Punished; I presume no Man will deny.

And as to the Question, Which way this Misdemeanour is to be done? **I** think it should be done in Parliament, I conceive it cannot be denied, without supposing a very great Defect in the Constitution of our Government; as if it were not sufficient to correct so notorious a Miscarriage: and I know none who do deny it.

And that it *Ought* to be done at the Prosecution of the Commons, I am clear of Opinion, for these Reasons: **I** think it is to the Honour of the Commons, and give the People, who are concerned in the Common Cause, and free from all those Doubts and Questions, which may arise upon the Stat. of H3: C12. or any other Statute.

II. It being a Case, wherein not only this Nation, but many other States, and our Confederates, are concerned, it ought in Honour and Respect to them to have the most solemn Determination that may be; and not be left to the Determination of any Inferiour Authority; as if the Miscarriage of some ordinary Officer, or some Cause of common or ordinary Concern, was to be determined.

III. It is notoriously known to be, the Desire and Expectation not only of the Seamen, but generally of the People of this Nation, that Justice be done in this Case; and therefore their Representatives, who are Elected and Intrusted to act for them, are obliged to demand Right on their behalf in a Case of so great Importance: And the Neglect hereof may justly be resented by those who chose them.

IV. The Honour of the State and Government is concerned to express their just Resentment of so great a Dishonour done to both Nations: And it might be looked upon as a plain Indication of Unsettledness and Disagreement among our selves, if both Houses do not declare their Unanimity therein.

To these may be added,

V. Whereas Punishments do principally respect the Future, to prevent the like Mischiefs for the time to come; and it is more than possible that so great a Crime was not committed without some Temptation from others; It is therefore possible that the Admiral may be able by some Discoveries to do such Service to the King and Nation, as may in part expiate his Crime, and deserve such Mitigation of the Sentence, as is out of the Power of an Inferiour Court, and fit to be considered only in Parliament.

VI. It being a Crime of so great Publick Concern, and He being a Person of that Quality, it is fit the Tryal should be, not on a Ship at Sea, where few Persons can come, but as publick as may be, in the View of all People, that the Justice of the Proceedings may be visible to all; that so the People may have no Cause to Murmur and Complain in case he be acquitted, nor He or his Friends have the Confidence to do it in case he be Condemned.

VII. Of the Officers in the Fleet, those who fought not are generally suspected by the Seamen and the People; and those who fought 'tis likely may be suspected by him and his Friends: So that of them it will be hard to select such as are free from all Suspicion of Partiality on the one side or the other.

VIII. The Motion in the House for Tryal by Impeachment in the Name of the Commons of England, may be of good Use to discover the Disposition of many Members of Parliament to the Common Cause; and give the People, who are generally well affected to it, occasion to make a better Choice of some of their Representatives another time.

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